BORA LASKIN LAW LIBRARY
3 1761 03873 6146

CRIMINAL LAW: CASES AND MATERIALS

1994-95

VOLUME 2

Alan Mewett

Martha Shaffer

Hamish Stewart

Faculty of Law

University of Toronto

These materials are only for the use of students at the Faculty of Law, University of Toronto.

DEC 1 1994
FACULTY OF LAW
UNIVERSITY OF TORONTO

BORA LASKIN LAW LIBRARY
UNIVERSITY OF TORONTO

CRIMINAL LAW: CASES AND MATERIALS

1994-95

VOLUME 2

Alan Mewett

Martha Shaffer

Hamish Stewart

Faculty of Law

University of Toronto

These materials are only for the use of students at the Faculty of Law, University of Toronto.

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/criminallawcases02mewe

CRIMINAL LAW: CASES AND MATERIALS

VOLUME 2

TABLE OF CONTENTS

4. Strict Liability

R. v. Woodrow (1846), 15 M. & W. 404. 1

R. v. City of Sault Ste Marie
(1978), 40 C.C.C. (2d) 353 (S.C.C.) 2

R. v. Nickel City Transport (Sudbury) Ltd.
(1993), 14 O.R. (3d) 115 (C.A.). 14

5. Parties to Offences

(a) Aiding and Abetting

Dunlop and Sylvester v. The Queen
(1979), 47 C.C.C. (2d) 93 (S.C.C.) 34

R. v. Russell (1932), [1933] V.L.R. 59 (S.C.) 40

R. v. Kulbacki (1965), [1966] 1 C.C.C. 167 50

R. v. Madigan (1969), [1970] 1 O.R. 80 (C.A.). 51

R. v. Poitras, [1974] S.C.R. 649 54

(b) Common Intention

R. v. Kirkness (1990), 1 C.R. (4th) 91 (S.C.C.). 57

R. v. Davy (1993), 86 C.C.C. (3d) 385 (S.C.C.) 76

(c) The Effect of Duress

Lynch v. D.P.P., [1975] 1 All E.R. 913 (H.L.). 85

Abbott v. The Queen (1976), [1977] A.C. 755 (P.C.) 109

R. v. Howe, [1987] 1 All E.R. 771 (H.L.). 119

(d) Vicarious Liability

R. v. Pellerin (1989), 67 C.R. (3d) 305 (Ont.C.A.). 137

R. v. Burt (1987), 38 C.C.C. (3d) 299 (Sask.C.A.) 142

6. Unfulfilled Offences

(a) Counselling

R. v. McLeod et al. (1970), 1 C.C.C. (2d) 5 (B.C.C.A.). . . . 150

R. v. Richard (1986), 30 C.C.C. (3d) 127 (Man.C.A.) 152

R. v. Gonzague (1983), 4 C.C.C. (3d) 505 (Ont.C.A.) 152

(b) Attempts: The Mental Element

R. v. Ancio (1984), 10 C.C.C. (3d) 385 (S.C.C.) 155

R. v. Logan (1990), 58 C.C.C. (3d) 391 (S.C.C.) 161

(c) Attempts: The Physical Element

R. v. Cline (1956), 115 C.C.C. 18 (Ont.C.A.). 169

R. v. James, [1971] 1 O.R. 661 (C.A.) 172

R. v. Barker, [1924] N.Z.L.R. 865 (C.A.). 174

R. v. Sorrell and Bondett (1978), 41 C.C.C. (2d) 9 (Ont.C.A.) 181

Deutsch v. The Queen (1986), 27 C.C.C. (3d) 385 (S.C.C.). . . 184

(d) Impossible Attempts

Haughton v. Smith, [1975] A.C. 476 (H.L.) 188

R. v. Shivpuri, [1986] 2 All E.R. 334 (H.L.). 197

(e) Conspiracy

R. v. Gill, [1966] 3 C.C.C. 115 (B.C.C.A.). 203

Sokolowski v. The Queen (1977), 33 C.C.C. (2d) 496 (S.C.C.) 205

R. v. O'Brien, [1954] S.C.R. 666 211

R. v. Rowbotham; R. v. Roblin
(1992), 76 C.C.C. (3d) 542 (Ont.C.A.) 224
aff'd [1994] 4 S.C.R 834 229

R. v. Dungey (1979), 51 C.C.C. (2d) 86 (Ont.C.A.) 230

7. The Nature of the Defence

Perka et al. v. The Queen (1984), 14 C.C.C. (3d) 385 (S.C.C.) 239

Pappajohn v. The Queen (1980), 52 C.C.C. (2d) 481 (S.C.C.) 260

R. v. Jobidon (1991), 66 C.C.C. (3d) 454 (S.C.C.) 273

R. v. Whyte (1988), 64 C.R. (3d) 123 (S.C.C.) 295

Amato v. The Queen (1982), 69 C.C.C. (2d) 31 (S.C.C.) 302

8. Mistake

(a) Mistake of Fact

R. v. Prince (1875), L.R. 2 C.C.R. 154 320

Beaver v. The Queen (1957), 26 C.R. 193 (S.C.C.). 339

R. v. Carroll (1975), 27 C.C.C. (2d) 276 (Ont.C.A.) 353

R. v. Kundeus (1975), 24 C.C.C. (2d) 276 (S.C.C.) 355

R. v. Nguyen; R. v. Hess (1990), 59 C.C.C. (3d) 161 (S.C.C.) 366

(b) Mistake of Law

Molis v. The Queen (1980), 55 C.C.C. (2d) 558 (S.C.C.) . . . 382

R. v. Prairie Schooner News Ltd. and Powers
(1970), 1 C.C.C. (2d) 251 (Man.C.A.) 386

R. v. Penner (1974), 16 C.C.C. (2d) 334 (Man.C.A.) 389

R. v. Docherty (1989), 51 C.C.C. (3d) 1 (S.C.C.) 391

R. v. Jones (1991), 66 C.C.C. (3d) 512 (S.C.C.) 401

R. v. Campbell and Mylnarchuk
(1972), 10 C.C.C. (2d) 26 (Alta.Dist.Ct) 404

R. v. Cancoil Thermal Corp. and Parkinson
(1986), 27 C.C.C. (3d) 295 (Ont.C.A.) 410

R. v. Forster (1992), 70 C.C.C. (3d) 59 (S.C.C.). 417

R. v. Heywood (1992), 77 C.C.C. (3d) 502 (B.C.C.A.) 421